

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Erik C. Houge

Application No: 10/505,197

I.A. Filed: 02/24/2003

U.S. National Filing Date: 08/19/2004

Title: Monitoring And Control Of A Fabrication Process

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION REGARDING UNAVAILABILITY OF INVENTOR

This Petition is submitted pursuant to 37 CFR 1.47 to verify the unavailability of one of the inventors, John M. McIntosh, in the above referenced application.

Attached is a Declaration of Shirley Goff pursuant to MPEP §409.03(d) and the fees as required by 37 CFR 1.17(g).

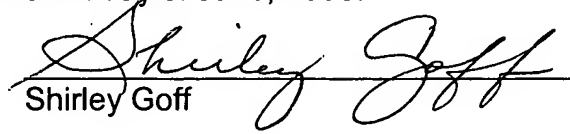
Respectfully submitted,



W. David Sartor
Reg. No. 50,560
Beusse Brownlee Wolter Mora & Maire, P.A.
390 N. Orange Avenue
Suite 2500
Orlando, FL 32801

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this Petition Regarding Unavailability Of Inventor is being mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7th day of June, 2005.


Shirley Goff

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Erik C. Houge

Serial No.: 10/505,197

I.A. Filed: February 24, 2003

For: Monitoring And Control Of A
Fabrication Process

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF SHIRLEY GOFF

1. My name is Shirley Goff. I am the Legal Assistant to Jim Beusse, Outside Counsel for the Intellectual Property Law Section of Agere Systems Inc., 933 South John Young Parkway, Orlando, Florida 32819-8698 ("Agere").

2. The above referenced application was filed as a Patent Cooperation Treaty (PCT) application on February 24, 2003 by Outside Counsel, Jim Beusse. In preparation for filing the application, a Declaration / Power of Attorney and Assignment were forwarded to the inventors, all of whom were employees of Agere Systems, Inc. at the time the invention was disclosed.

3. At the time of filing the above referenced application, John M. McIntosh was no longer employed by Agere Systems, Inc. The Declaration / Power of Attorney and Assignment were forwarded to Mr. McIntosh at his last known address, 7431 Sugar Bend Drive, Orlando FL 32819. The Declaration/ Power of Attorney and Assignment were not returned.

4. After some time without receiving the Declaration/Power of Attorney and Assignment from Mr. McIntosh, Ms. Mary Carter, Legal Assistant to General Counsel for the Intellectual Property Law Section of Agere was contacted around

the time of filing the application to obtain a forwarding address, but the only address for Mr. McIntish she could provide was his last known address. Around the same time, co-inventor Eric Houge informed me that he believed Mr. McIntosh had moved from the last known address. An attempt to contact Mr. McIntosh by telephone at his last known telephone number (407) 248-2667 indicated that the number was no longer in service.

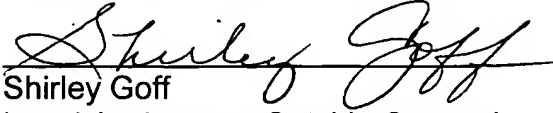
5. On July 13, 2004, a search was run using Internet search engine "Faces of the Nation" to find a more current address for John M. McIntosh based on his social security number. The most recent address listed for his social security number was 924 Stratford Court, State College, PA 16801. (See Exhibit A)

6. On July 14, 2004, in preparation for a national phase filing of the above referenced application in the United States, I mailed, using certified mail, a cover letter (see Exhibit B), a copy of the International Application, published September 4, 2003, a Declaration / Power of Attorney, and an Assignment to Mr. McIntosh at the address listed in Number 5 above.

7. We have received the returned mail as unclaimed from John M. McIntosh. A copy of the returned envelope is shown in Exhibit C.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any registration resulting therefrom.

Signed at Orlando, Florida, this 7th day of June, 2005.

A handwritten signature in cursive script, appearing to read "Shirley Goff", written over a horizontal line.

Shirley Goff

Legal Assistant to Outside Counsel
for Agere Systems Inc.

Beusse Brownlee Wolter Mora & Maire, P.A.
390 North Orange Avenue, Suite 2500
Orlando, Florida 32801

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Search Results

Click on Name for Detail



Faces of the Nation®

SSN Search

Based on: 117-46-6990

24 Exact Matches

	Name	Address	DOB	Age	SSN	Phone	Repor
	<u>MCINTOSH, JOHN MARTIN</u>	7431 SUGARBEND DR ORLANDO FL 32819	11/1956	47	117-46- XXXX	706-0738	11/01/1999
	<u>MCINTOSH, JOHN M</u>	7431 SUGAR BEND DR ORLANDO FL 32819	11/1956	47	117-46-XXXX	(407) 248-2667	11/03/1999
	<u>MCINTOSH, JOHN M</u>	7431 SUGAR BEND DR ORLANDO FL 32819	11/1956	47	117-46-XXXX	(407) 248-2667	11/03/1999
	<u>MCINTOSH, JOHN M</u>	2918 E MUIRWOOD DR PHOENIX AZ 85048	11/1956	47	117-46- XXXX		01/1997
	<u>MCINTOSH, JOHN M</u>	924 STRATFORD CT STATE COLLEGE PA 16801	*		117-46- XXXX		01/2004
	<u>MCINTOSH, JOHN M</u>	924 STRATFORD CT STATE COLLEGE PA 16801			117-46- XXXX		01/2004
	<u>MCINTOSH, JOHN M</u>	7431 SUGAR BEND DR ORLANDO FL 32819	1956		117-46- XXXX		11/24/1999
	<u>MCINTOSH, JOHN M</u>	2513 ARDEN DR CHAMPAIGN IL 61821	1957		117-46- XXXX		
	<u>MCINTOSH, JOHN M</u>	2513 ARDEN DR CHAMPAIGN IL 61821	1957		117-46- XXXX		08/1995
	<u>MCINTOSH, JOHN M</u>	2918 E MUIRWOOD DR PHOENIX AZ 85048	1956		117-46- XXXX		11/1996

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July 13, 2004

Mr. Erik C. Houge
10170 Hart Branch Circle
Orlando, FL 32832-5912

Mr. Robert Francis Jones
11613 Osprey Pointe Boulevard
Clermont, FL 34711-7672

Mr. John M. McIntosh
924 Stratford Court
State College, PA 16801

Re: National Phase of PCT Patent application for Agere Systems Inc.
Houge 37-4-33
Monitoring And Control Of A Fabrication Process
Our File: 075903-281

Gentlemen:

Enclosed please find the following documents for your signature:

- 1) Declaration and Power of Attorney; and
- 2) Assignment and Agreement

These documents are needed for entry into the national phase in the United States based on the PCT application number US03/05251 filed February 24, 2003 of which you were an inventor. I am enclosing a copy of the International Application published September 4, 2003 which will be used for filing in the U.S. You may keep this copy.

Please sign and date the enclosed documents and return them to me as soon as possible. This national application must be filed by **August 22, 2004**. I am enclosing a self-addressed envelope for your convenience.

If you have any questions, please feel free to contact me. I look forward to receiving the signed documents as soon as possible. Thank you for your cooperation.

Sincerely,

Beusse Brownlee Wolter Mora & Maire, P.A.

By:

James H. Beusse

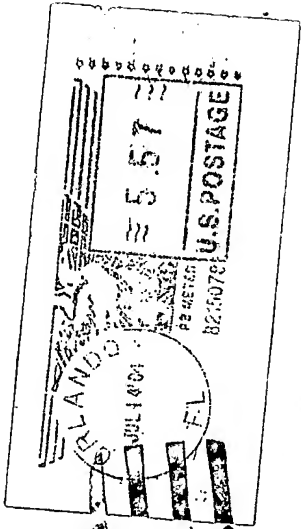
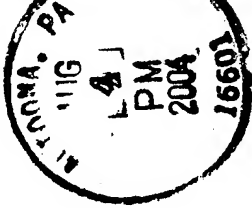
JHB/sg

Enclosures

EXHIBIT C



7002 0460 0000 0595 9292



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INTELLECTUAL PROPERTY ATTORNEYS
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

TO:

Mr. John M. McIntosh
924 Stratford Court

UNCLAIMED

RECEIVED

7/19/04